

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ELISHA SHEPHERD,

Plaintiff,

v.

MILTON J. JAKEWAY, and
UNITED STATES OF AMERICA,

Defendants.

Case No. 3:01-cv-333 JKS

AFFIDAVIT OF YALE H. METZGER

I, Yale H. Metzger, Alaska Bar Number 9212082 after being duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys for the Plaintiff in the captioned action.

2. As one of the attorneys responsible for handling this matter before the United States District Court I have first-hand knowledge of the amount of time I have spent in representing the Plaintiff in the captioned matter.

3. This affidavit is based on my personal knowledge, upon my review of the records kept in the captioned case by my office related to the captioned case.

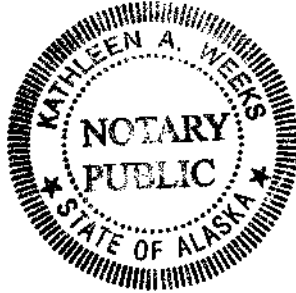
4. I spent 479.5 hours at my hourly rate of \$175 per hour in enforcing the Plaintiff's right under the 4th Amendment of the United States Constitution for a total of 83,912.50 in attorney fees by my office.

5. Records of my time spent are throughout the file in the captioned matter and can be made available to the Court and the Defendant in the form of a ledger if necessary.

Affiant further sayeth naught.

Yale H. Metzger
Yale H. Metzger

SUBSCRIBED AND SWORN to before me this 9th day of April 2007 at Anchorage, Alaska.



Kathleen A. Weeks
Notary Public in and for Alaska

My Commission Expires *July 22, 2007*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ELISHA SHEPHERD)

Plaintiff,)

vs.)

MILTON J. JAKEWAY, and)
UNITED STATES OF AMERICA,)

Defendants.)

Case No. A01-333 CIVIL (JKS)

AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION
FOR ATTORNEYS FEES

STATE OF ALASKA)

) ss.

THIRD JUDICIAL DISTRICT)

I, **LeRoy Eugene DeVeaux Esq.**, Alaska Bar Number 7310040 after being duly sworn upon oath, deposes and states as follows:

1. I am one of the attorney's for the Plaintiff in this action.
2. As one of the attorney's responsible for handling this matter before the United States District Court I have first hand knowledge of the amount of time that I have spent in representing the Plaintiff in his matter.
3. This Affidavit is based upon my personal knowledge, upon my review of the time slips that I generated on behalf of the Plaintiff in this case.
4. Between October of 2002 and March 29th, 2007, I generated 468.9 hours at my

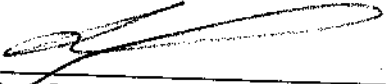
billing rate of \$150.00 per hour for a total of \$70,335.00.

5. Attached hereto is Exhibit A containing 16 pages, which is a ledger itemizing what legal work I performed on a particular day and the amount of time expended. This ledger is taken from my time slips which I turn in daily. This 16 pages is a true and correct copy from the billing ledger of my office.

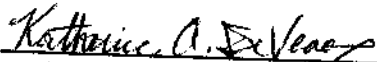
Further your Affiant sayeth naught.

DATED this 4th day of April, 2007.

DEVEAUX AND ASSOCIATES,
APC

By: 
LeRoy E. DeVeaux Esq.
Alaska Bar No. 7310040

SWORN TO AND SUBSCRIBED TO before me on this 24th day of April, 2007 at Anchorage, Alaska.

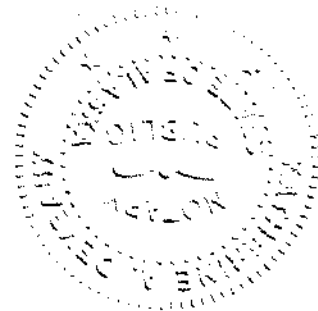

Notary Public in and for the State of Alaska
My Commission Expires: Feb 14, 2010

CERTIFICATE OF SERVICE:

I hereby certify that on the ____ day of _____, 2007,
a true and correct copy of the foregoing were
hand delivered to the following:

Susan J. Lindquist
Assistant U.S. Attorney
222 W. 7th Ave., #9
Anchorage, AK 99513-7567

Affidavit
Shepherd v. Jakeway
Page 2 of 2



LeRoy E. DeVeaux, Esq.
DeVeaux and Associates APC
701 West 41st Avenue, Suite 201
Anchorage, Alaska 99503-6604
Telephone (907) 565-2906 Facsimile (907) 565-2933

as. Milton Jakeway v. U.S.A. A01-333 CV (JKS)

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| Date | Description | Hours | Comments |
|--------|---|--------|------------|
| 2006 | | | |
| Dec 28 | Research offers of judgment. | 427.9 | 415.0 hrs. |
| 2007 | | | |
| Jan 5 | Phone conference with Yale on post-trial motions | 432.6 | Contingent |
| 9 | Research at Law Library | 80 | |
| 11 | Research; phone conference with Yale | 30 | |
| 12 | Work on Brief and phone conference with Yale | 400 | |
| 15 | Work on Brief (my part FTCA). | 440 | |
| 16 | Second draft of three parts of Brief. | 300 | |
| 17 | Third and fourth drafts of three and draft of fourth. | 330 | |
| 18 | Work on Brief. What a pain. | 430 | |
| 19 | Finish my sections of the Brief. | 470 | |
| 22 | Final draft with Yale; cite check and testimony check. (About 2 hours to get electronic filing to accept Brief.) | 400 | |
| 24 | National draft with Yale; cite check and testimony check. (About 2 hours to get electronic filing to accept Brief.) | 650 | |
| Feb 14 | Review and analysis of Order; phone conference with Yale; research in file for document and FAX. | 70 | |
| Mar 6 | Review and analysis of Asst. U.S. Attorney's Response to our Brief. | 80 | |
| 7 | Phone conference with Yale on Reply. | 20 | |
| 28 | Conference with Yale on Costs. | 100 | |
| 29 | Review and analysis of Court's ruling. | 30 | |
| | | 468.90 | |
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A01-333CV (JKS)

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| Date | Description | Hours | Amount |
|--------|--|--------|-----------|
| 2006 | | 309.20 | Fringes 4 |
| Oct 18 | Conference with Yule to finalize Brief. | 1.00 | |
| 25 | Review and analysis of Reply and phone conference with Yule. | .50 | |
| 26 | Review and analysis. | .30 | |
| 30 | Review and analysis of Asst. U. S. Atty. filing. | .10 | |
| Nov 16 | Phone conference with Yule re his conference with Asst. U. S. Attorney. | .40 | |
| 7 | Phone conference with Yule. | .40 | |
| 8 | Post-trial preparation with Yule; phone conference with Yule and Asst. U. S. Atty. Susan Lindquist. | 3.00 | |
| 9 | Research. | 3.00 | |
| 10 | Work on trial preparation - The second time at Yule's office. | 2.50 | |
| 13 | Phone conference with Yule; research; phone conference with Bob Rivers, Asst. City Atty.; more research. | 1.10 | |
| 14 | Trial preparation. | 2.30 | |
| 15 | Trial preparation. | .60 | |
| 15 | Trial preparation. | 1.40 | |
| 16 | Trip to City Hall on request. Trip to Yule's office; trial preparation. | 5.50 | |
| 17 | Work on trial preparation. | 3.10 | |
| 20 | Trial preparation. | 2.80 | |
| 21 | Trial preparation. | 6.70 | |
| 22 | Trial preparation. | 5.50 | |
| 24 | Trial preparation. | .60 | |
| 25 | Trial preparation. | 6.50 | |
| 26 | Trial preparation. | .60 | |
| 27 | Trial and preparation. | 12.00 | |
| 28 | Trial and preparation. | 10.30 | |
| 29 | Trial and preparation. Total 10.5 hrs.; Thru N.E. | 9.80 | |
| 30 | Trial and preparation. | 11.00 | |
| Dec 1 | Trial and preparation. | 10.00 | |
| 3 | Research on jury question. | 1.40 | |
| 4 | Trial and verdict - twice to court. | 3.60 | |
| 12 | Research damages. | 1.10 | |
| 15 | Research damages; review and analysis of Mont v. Steger. | 1.50 | |
| 20 | Research. | .80 | |
| | | 430.60 | |

Elisabeth Shogren
vs. Milton Jakeway + U.S. Army AD-33CV
 (JKS)

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| Date | Description | Hours | Amount |
|--------|---|------------------|--------------|
| 2006 | | 4/6/05 427.9 hr. | \$195.00 hr. |
| | | 256.60 | Credit 462.5 |
| Jan 23 | Review and finalize motions and Memoranda; file in Court and on U.S. Attorney's office; conference with Yale; review and analysis of Reading by Lindquist, Asst. U.S. Attorney. | 250 | |
| 27 | Review and analysis of U.S. Brief; phone conference with Yale. | 100 | |
| Feb 5 | Phone conference with Yale on new case on search. | 50 | |
| 12 | Review and analysis; phone call to Yale. | 30 | |
| 13 | Review and analysis; and phone conference with Yale. | 70 | |
| 24 | Phone conference with Yale. | 30 | |
| 25 | Review and analysis of federal memoranda; review and analysis of Yale Drafts; conference with Yale on Responses. | 8.00 | |
| 26 | Research. | 2.00 | |
| 31 | Work on Reply; phone call to Yale. | 3.50 | |
| Aug 1 | Work on Brief; phone conference with Yale; office conference with Susan Lindquist who said OK of extension; phone conference with Yale. | 150 | |
| 2 | Drafting on Reply and research. | 3.50 | |
| 3 | Third draft of Parts One and Two; another draft and add another first draft of Parts Three and Four. | 4.50 | |
| 4 | Fourth draft and second draft on last two sections. | 3.60 | |
| 7 | Final of Reply and conference with Yale. | 3.00 | |
| 11 | Review and analysis of U.S. Motions; phone conference with Yale on other Pleadings. | 30 | |
| 14 | Office conference with Yale. | 30 | |
| 25 | Phone conference with Yale. | 30 | |
| 28 | Review and analysis of Court Order (8 pages) and phone conference with Yale; second phone conference with Yale. | 80 | |
| Oct 3 | Review and analysis of new Pleadings. | 70 | |
| 5 | Research. | 3.00 | |
| 6 | Research. | 2.80 | |
| 10 | Phone conference with Yale; research. | 3.70 | |
| 11 | Research. | 6.30 | |
| 12 | Research. | 4.30 | |
| 13 | Research in Law Library. | 1.80 | |
| | | 309.20 | |

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| Date | | Description | Hours | Amount |
|--------|--|--|--------|--------|
| 2006 | | | | |
| Apr 21 | | Work on trial preparations | 4.00 | |
| 24 | | Work on trial preparation; review latest from U. S. Attorney's office | 5.00 | |
| 25 | | Work on trial preparation. Phone conference with Yale on Rule 48 offer. | 2.80 | |
| 26 | | Work on trial preparation | | |
| 27 | | Work on trial preparation. | 4.90 | |
| May 1 | | Work on trial preparation; phone conference with Yale; research. | 3.80 | |
| 2 | | Work on trial preparation. | 3.60 | |
| 3 | | Work on trial preparation. | 5.20 | |
| 4 | | Work on trial preparation | 4.80 | |
| 5 | | Work on preparation at office and at Yale's office. | | |
| 7 | | Trial preparation | 5.00 | |
| 8 | | Prepare for trial and pretrial conference with court; attend Pretrial Conference. | 6.00 | |
| 9 | | Attend hearing in U. S. District Court; research on search and seizures. | 6.00 | |
| 10 | | Phone conferences with Yale; review and analysis of two minute orders. | 1.10 | |
| 11 | | Research at Law Library. | 4.50 | |
| 12 | | Phone conference with U. S. Attorney; research. | 2.30 | |
| 12 | | Research at Law Library. | 1.50 | |
| 16 | | Research as requested by judge. | 5.00 | |
| 17 | | Research; first draft of Informalندا causation proximate cause. | 3.10 | |
| 18 | | Third draft of Brief. | 1.30 | |
| 22 | | Work on trial preparation (again). | 4.00 | |
| 23 | | Conference with Yale on final of Brief; (finish Brief for arrow); phone calls to Susan Lindquist (U. S. Atty.); two phone calls to Yale; research. | 2.60 | |
| 24 | | Work on Brief with Yale. | 2.00 | |
| Jun 1 | | Review Motion from U. S. Attorney; phone conference with Yale. | .30 | |
| 6 | | Phone conference with investigator. | .80 | |
| 7 | | Three phone conferences with Yale. | .70 | |
| 8 | | Research and conference with Yale. | 3.00 | |
| | | | 256.60 | |

vs. Milton Jakeway/ vs. U.S. Army ADI - 333CV(JKS)

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| Date | Description | Hours | Amount |
|--------|--|--------------------|--------|
| 2006 | | 4/16/05 4:07.9 hrs | 175.00 |
| Jan 17 | Meeting with Yale and wait for U.S. Attorney who didn't show up; trip to Yale's office to file Just Answer and Brief Brief | 2:30 | |
| 20 | Phone conference with Yale; second phone conference with Yale | 40 | |
| Feb 2 | Review and analysis of phone conference with Yale | 30 | |
| 21 | Phone conference with Dan from U.S. District Court; phone conference with Yale Metzger | 40 | |
| 22 | Work with Yale and with U.S. Attorney | 2:00 | |
| 23 | Review second proposed draft of Pretrial by U.S.; Trip to conference on pretrial submissions at Yale Metzger's office with Yale and U.S. Attorney | 2:50 | |
| 24 | Review and analysis of Pomeroy's second draft of Proposed Pre-Trial Order; phone conference with Yale of Pomeroy's draft; second phone conference of draft with Yale | 1:40 | |
| Mar 3 | Review and analysis of Pomeroy's draft; phone conference with Yale. Total time: 6 hrs; 1 hr. N/C | 50 | |
| 6 | Review FAX from U.S.; phone conference with Yale; review and analysis of pretrial order | 70 | |
| 7 | Review and analysis of U.S. Second Proposed Trial Brief | 40 | |
| 8 | Phone conference with Yale | 30 | |
| 9 | Two phone conversations with Yale | 20 | |
| 13 | Phone conference with Yale on stipulation | 30 | |
| 15 | Phone conference with Yale; second phone conference with Yale. Total time: 4 hrs; 2 hr. N/C | 80 | |
| Apr 12 | Phone conference with Yale | 20 | |
| 13 | Conference with Yale on Offer of Judgment; research on 28 C.F.R. Code Civ. Pro. Part Claims Act Offer of Judgment issue | 3:50 | |
| 14 | Start preparation for trial | 2:20 | |
| 17 | Start work on trial preparation with Yale and review Court deposition | 6:00 | |
| 18 | Work on trial preparation. Reproduction, last slip | 3:40 | |
| 19 | Work on trial preparation; phone conference with Yale; office conference for preparation on case with Yale | 6:30 | |
| 20 | Work on trial preparation | 5:30 | |
| | | 175.00 | |

vs. Milton Jakeway, Jr. U. S. Army A01-333 CV (JKS)

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| Date | Description | 4/1/05 427.9 h. #175.41 h. | |
|--------|--|----------------------------|--------|
| | | Hours | Amount |
| | | Estimated 97.00 | 327.00 |
| 2005 | | | |
| Sep 15 | Review and analysis; work on deposition preparation; work on preparation with Yale for deposition; attend deposition. | 5.00 | |
| Oct 3 | Two phone conferences with Yale on status report. | 4.00 | |
| | 4 Review Report; phone conference with Yale; research on damages. | 1.70 | |
| | 5 Damage research. | 3.80 | |
| | 6 Begin review of Sgt. Shepherd's depo testimony. | 1.40 | |
| | 7 Review and analysis of depositions. | 4.10 | |
| | 24 Review and analysis; phone conference with Yale on possible trial date. | 4.00 | |
| | 29 Review and analysis of U.S. Motion for time Extension. | 1.00 | |
| Dec 1 | Review and analysis of Orders calendar. | 3.00 | |
| | 6 Phone conference with Yale Metzger on Court Order Pretrial. | 2.00 | |
| | 9 Research on Instructions. | 4.00 | |
| | 22 Conference with Yale. | 4.00 | |
| | 27 Phone conference with Yale; conference with Yale and U.S. Attorney at Yale's office. Begin working on pretrial stuff with Yale. | 3.20 | |
| | 28 Research. | 2.00 | |
| | 29 Research on Jury Instructions. | 2.00 | |
| 2006 | | | |
| Jan 3 | Work on Pretrial with Yale at his office: Brief, Witnesses, Instructions, Exhibits, etc. | 4.00 | |
| | 4 Research Jury Instructions at Law Library and office; phone conference with Yale. | 3.40 | |
| | 6 Attend Exhibit Meeting in Clerk's office. | 3.50 | |
| | 9 Phone conference with Yale on Exhibits and Instructions. (no charge for personal discussion not on this case). | 1.00 | |
| | 10 Phone conference with Yale on Jury Instructions. | 1.00 | |
| | 11 Review and analysis of U.S. Attorney materials; phone conference with Yale; second phone conference with Yale. | 1.10 | |
| | 12 Work with Yale in drafting response to U.S. Trial Brief, Instructions, Jury Questions, Verdict Form, etc. | 3.30 | |
| | | 136.50 | |

vs. Milton J. Hawkey, Jr. U.S. Army A01-933CV(JKS)

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| Date 2005 | Description | 4/6/05 427.9 hrs Hours Calculated 47.40 | 0125.00/hr. 14. Matye Amount Interpret |
|--------------|--|---|---|
| Jan 14 | Research in preparation for expert depositions. | | |
| 20 | Conference with Yale; hence facts off of non-party for preparation. | 2.80 | |
| 24 | Damage research. | 90 | |
| 27 | Phone conference with Yale on his conference with Comeray. | 1.40 | |
| Jul 6 | Phone conference with Mr. Comeray; review Status Report. | 30 | |
| 12 | More preparation for deposition of V.S. Attorney's expert. | 5.10 | |
| 14 | Work on preparation for U.S. Expert Psychologist. | 3.30 | |
| 15 | Phone conference with Yale. | 30 | |
| 18 | Research; phone conference with Yale. Total time 1.2 hrs.; .3 hr. N/C. | 90 | |
| 19 | Research at Law Library; phone conference with Yale. | 5.00 | |
| 20 | Research. | 4.80 | |
| 21 | Preparation for expert deposition and testimony. | 3.40 | |
| 25 | Work on preparation to expert cross. | 2.10 | |
| 26 | Phone conference with Yale. Total time 3 hrs.; .2 hr. N/C. | 20 | |
| 27 | Phone conference with Yale. | 30 | |
| 27 | Work on Discovery for Depositions. | 2.60 | |
| 29 | Prepare for Damages report. | 1.80 | |
| Aug 1 | Prepare and attend deposition; conference with Yale afterward. | 4.60 | |
| 2 | Work on preparation to depose expert; government not making this easy. Phone conference with Yale. | 2.30 | |
| 3 | More preparation for deposition and for trial. | 1.60 | |
| 4 | Preparation for U.S. expert. | 3.00 | |
| 10 | Phone conference with Yale on evidence. | 10 | |
| Sep 6 | Phone conference with Yale on deposition of Federal expert. | 30 | |
| 8 | Phone conference with Yale on Sperbeck deposition schedule. | 10 | |
| 14 | Preparation and attend Deposition of Mr. Shepherd. Total time 3.3 hrs.; .3 hrs. N/C. | 3.00 | |
| | | 97.00 | |

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| Date 2005 | Description | 4/6/05 427.9 hrs Hours Bal. 500 6.5 | 3,175.00 hrs Yale Metzger Pomeroy Pomeroy |
|--------------|---|---|--|
| Apr 15 | Phone conference with Yale Metzger. | 30 | |
| 18 | Conference with Yale at his office. | 2:40 | |
| 19 | Review and analysis of Pomeroy's FAX; phone conference with Yale; phone conference with Hon. Heights's office to tell her we don't object to Pomeroy's request. | 50 | |
| 27 | Review calendar Pomeroy's data; phone conference with Yale. Total time 3 hrs; 1 hr. n/c. | 20 | |
| 28 | Review Order from Court; phone conference with Yale. | 30 | |
| May 9 | Work on Damages issues for trial; deposition of U.S. Expert and Settlement Conference; phone conference with Yale. | 4:40 | |
| 10 | Research Damages. | 1:00 | |
| 11 | Work on damage issues. | 4:10 | |
| 12 | Research on Damages and Burden of Proof; phone conference with Yale. | 2:00 | |
| 17 | Damage research. | 3:10 | |
| 20 | Work on Damage issues; review and analysis of U.S. Letter with bogus offer. | 90 | |
| 23 | Phone conference with Yale; review and analysis. | 2:40 | |
| 24 | Review and analysis; conference in Yale's office with Yale and client by telephone as preparation for Settlement Hearing. | 3:30 | |
| 25 | Preparation with Client and Yale; attend Settlement Hearing; office conference with Yale and Client; conference with Yale. Total time 4 hrs; 1 hr. n/c. | 5:00 | |
| Apr 1 | Phone conference with Yale on next step with the old USAA. | 20 | |
| 3 | Review and analysis of FAX from Pomeroy. | 20 | |
| 6 | Start to respond to Pomeroy. | 60 | |
| 7 | Research on damages and first draft of memo to U.S. Attorney outlining damages. Phone conference with Yale. | 2:90 | |
| 8 | Second draft; more research on damage issue; phone conference with Yale. | 4:00 | |
| 9 | Start to prepare for deposition of expert. | 4:15 | |
| 13 | Phone conference with Yale; dictate a letter to Pomeroy, Esq.; review draft and final. | 60 | |
| | | 47:40 | |

Case 3:07-cv-00333-JKS Document 215 Filed 05/02/2007 Page 13 of 20
 Mr. Milton Jakway / U.S. Army AOI-333CV (JKS)

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Page 8 of
 \$175.00/hr.
 Yale Metzger

| Date 2004 | Description | Hours Bal. Jan 4 07:40 | Amount Contingent |
|----------------|---|---------------------------|----------------------|
| Nov. 5 | Phone conference with Yale Metzger; call to Sandbliss's office. | 50 | |
| Dec. 1 | Phone conference with Yale on Clint and experts. Total time .5 hr.; 1 hr. N/C. | 20 | |
| 07 | Review and analysis; phone conference with Yale; phone conference with Pomeroy; phone conference with Yale; phone conference with Yale. | 1.00 | |
| 2005 Jan. 3 | Phone conference with Yale Metzger; phone conference with Yale. | 50 | |
| 5 | Phone conference with Yale. | 20 | |
| 21 | Phone conference with Yale. | 20 | |
| 24 | Phone conference with Yale. | 20 | |
| 28 | Phone conference with Yale. | 20 | |
| 31 | Phone conference with Yale. | 50 | |
| Feb. 1 | Work on Case/Discovery/Expert; call to Pomeroy; call to Yale Metzger. | 40 | |
| 3 | Phone conference with Mr. Pomeroy, Esq.; phone conference with Yale. Total time .5 hr.; 2 hr. N/C. | 60 | |
| 22 | Conference with Yale; trip with Yale to Peters Creek; trip to A.P.D. Crime Lab with Yale. | 4.50 | |
| Mar. 1 | Conference with Yale; review and analysis of Gudnas Psych. report; phone conference with Yale. | 1.60 | |
| 10 | Review Pomeroy message; phone conference with Yale. | 30 | |
| 17 | Work on Case; phone conference with Yale. | 3.80 | |
| 18 | Research, psychological damages and proof. | 5.30 | |
| 31 | Phone conference with Yale. | 30 | |
| Apr. 6 | Review Order. | 20 | |
| | | 427.90 | |
| Apr. 12 | Preparation and conference with Yale to draft memo; review and analysis of FAX. | 3.60 | |
| 13 | Review and analysis of Draft; phone conference with Yale. | 90 | |
| 14 | Conference with Yale; review and analysis of draft. | 2.00 | |

Elaine Stephens
 re: Milton Jakubowicz / U.S. Army A01-333CV (JKS)

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Approved By

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John Metzger

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| Date | Description | Hours | Amount |
|--------|---|---------------|--------|
| 2004 | | 60.500 387.90 | |
| Aug 17 | Review and analysis of documents, FAXes and former (previous?) FAXes; phone conference with Yale; second phone conference with Yale; third phone conference with Yale; review mail blending by Dr. Tracy. | 1.50 | |
| 24 | Phone conference with Yale. | 20 | |
| 25 | Review and analysis of U.S. Opposition to Motion to Vacate. | 10 | |
| Sep 1 | Research and conference with Yale; drafting | 3.60 | |
| 2 | Phone call to Bruce Smith, D.D.; review by U.S. letter and amendment; phone conference with Yale. | 50 | |
| 7 | Review and analysis of Opposition; phone conference with Yale. | 70 | |
| 10 | Phone conference with Yale on client's supplemental appointment; review and analysis of U.S. Opposition. | 100 | |
| 13 | Phone conference with Yale. | 20 | |
| 14 | Work on evidence issues; phone conference with Yale. | 70 | |
| 15 | Phone conference with Yale; review and analysis of two motions and one letter from Pomeroy, Esq. | 80 | |
| 16 | Review and analysis; phone conference with case manager; phone conference with Yale; prepare and attend hearing; phone conference with Yale. | 5.50 | |
| 17 | Review and analysis of proposed Order. | 80 | |
| 20 | Phone conference with Yale. | 40 | |
| 21 | Conference with Yale; review FAX from U.S. Attorney. | 40 | |
| 22 | Two phone conferences with Yale Metzger. | 40 | |
| 23 | Phone conference with Yale; phone conference with Yale on investigation and General Christiansen. | 40 | |
| 25 | Phone conference with Yale of Peugh. | 20 | |
| Oct 1 | Phone conference with Yale of Experts and Clinical Psychologist. Review and analysis | 30 | |
| 16 | Research | 30 | |
| 17 | Review letter from Pomeroy. Phone conference with Yale. | 50 | |
| | | 407.40 | |

Mr. Milton J. Jakubasz/U.S. Army A01-333CV(JKS)

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| Date | Description | Hours | Yale Metzger Amount |
|-------|---|------------------|---------------------|
| 2004 | | Feb. 2004 360.10 | Interim payment |
| Jan 1 | Phone conference with Yale. | 30 | |
| 16 | Review and analysis; phone conference with Yale. | 40 | |
| 18 | Preparation and trip to U.S. District Court. | 3.00 | |
| 24 | Conference with Yale; review and analysis; trip to U.S. Court Clerk's office. | 2.00 | |
| 25 | Review and analysis of protective order prepared by U.S. | 60 | |
| 28 | Phone conference with Yale Metzger | 20 | |
| 29 | Draft letter to Pomeroy Esq.; second draft; review and analysis of dates; call Yale's office and report errors in date. | 90 | |
| Jul 6 | Phone conference with Yale Metzger and draft letter to U.S. Attorney; second draft. | 50 | |
| 12 | Work on case and stipulation | 40 | |
| 13 | Phone conference with Yale. | 20 | |
| 19 | Phone conference with Yale Metzger | 20 | |
| 20 | Research, damages. | 3.10 | |
| 21 | Trip to Yale's office to copy evidence in accordance with Protective Order. | 7.00 | |
| 22 | First and second draft of letter and receipt for tape; two phone calls to Yale Metzger's office; office conference with U.S. Attorney Pomeroy; review and analysis of issues. | 2.10 | |
| | Intelltime 2.4 hrs.; 3 hrs. N.E. | | |
| Aug 4 | Review and analysis of FAX from U.S. Attorney; phone conference with Yale Metzger; research on Bull. | 1.20 | |
| 5 | Phone conference with Yale; trip to Dr. Sandberg's office; phone conference with David. | 2.70 | |
| 5 | Research to get report for Dr. Sandberg from forensic psychologist. | 30 | |
| 6 | Witness problem; conference with Yale. | 60 | |
| 9 | Phone conference with Yale. | 10 | |
| 10 | Review of Pomeroy letter. | 10 | |
| 11 | Review and analysis of FAX from U.S. Attorney's office; phone conference with Yale. | | |
| 13 | Research. | 2.30 | |
| 16 | Trip to Yale Metzger's office and conference. | 50 | |
| | | 389.90 | |

vs. Milton J. Jakeway 17. L. Army ADI-333CV(JKS)

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| Date | Description | Hours | Yale Metzger Contingent Fee |
|--------|---|-----------------|--------------------------------|
| 3004 | | Est. No. 329.20 | |
| Feb 27 | Work on trial preparation per Court order. | 2.00 | |
| Mar 3 | Phone conference with Yale Metzger; research on instructions. | 1.20 | |
| 4 | Trip to U.S. Attorney's office; attend deposition; conference with Yale. | 4.50 | |
| 8 | Phone conference with Yale. | .90 | |
| 9 | Phone conference with Yale. | .20 | |
| 10 | Conference with Yale; phone conference with client and Yale; phone calls to JAG office; call to U.S. Attorney's office. | 2.60 | |
| 11 | Office conference with Yale; review and analysis of motion memo; word review of motion memo. | 1.40 | |
| 12 | Work on case with Yale at his office and final on deposition with Yale. | 1.00 | |
| 16 | Review and analysis of pleading and Order from Yale's office; phone conference with Yale. | .60 | |
| 19 | Phone conference with U.S. Attorney; phone conference with Yale Metzger. | .50 | |
| 22 | Phone call and message to Assistant U.S. Attorney. | .20 | |
| 23 | Phone conference with U.S. Attorney Lingquist, Esq; phone conference with Yale. | .60 | |
| 24 | Phone conference with Yale. | .30 | |
| 25 | Discovery at U.S. Attorney's office (tape). | 5.10 | |
| 26 | Office conference with Yale; phone conference with Yale, Army JAG officer, in D.C. | 2.00 | |
| Apr 6 | Conference with Yale and phone conference with Army JAG in D.C. | 2.00 | |
| 7 | Attend hearing at U.S. District Court. Conference with Yale. | 2.60 | |
| 8 | Phone conference with Yale & A. Jag; Lt. Col. in D.C.; phone conference with Yale. | .20 | |
| 17 | Phone conference with Yale re psychologist. N/C .1. | .30 | |
| 19 | Phone conference with Yale. Total time 3 hrs; .1 hr. N/C. | .20 | |
| May 26 | Phone conference with Yale. | .30 | |
| 27 | Preparation with Yale; attend hearing in federal court. | 3.00 | |
| | | 36.00 | |

| Date | Description | Hours | Yale Metzger Amount |
|---------|---|--------------|---------------------|
| 2003 | | Oct. 30 1.10 | Contingent |
| Nov. 21 | Conference with Yale N. Metzger Esq. | 30 | |
| Dec 1 | Attended televised deposition at U. S. Attorney's office | 150 | |
| 5 | Phone conference with Client. | 30 | |
| 8 | Conference with Yale Metzger | 160 | |
| 10 | Work on case. | 220 | |
| 11 | Buy flight expert psychologist. Phone conference with Yale. | 40 | |
| 13 | Met expert | 70 | |
| 15 | Work on case; conference with Yale Metzger. | 220 | |
| 18 | Work on case | 370 | |
| 19 | Phone conference with Yale; work on case for trial. | 160 | |
| 2004 | | | |
| Jan 4 | Work on case with Yale Metzger. | 100 | |
| 7 | Phone conference with Yale and with Yale and Mr. Smith. | 50 | |
| 12 | Phone conference with Yale | 30 | |
| 13 | Conference with Yale & U.S. Attorney witness. | 10 | |
| 15 | Phone conference with Yale | 10 | |
| 16 | Phone conference with Yale | 20 | |
| 27 | Phone conference with Yale Metzger; second phone conference with Yale. | 60 | |
| 28 | Phone conversation with Yale Metzger and review and analysis of Pleading (Discovery) | 40 | |
| 30 | Two phone conferences re Depo with Metzger | 40 | |
| Feb 2 | Phone conferences with Yale Metzger. | 40 | |
| 3 | Trip to Yale Metzger office for conference; review and analysis of Dr. Smith report; phone conference with Bruce N. Smith, Ph.D.; phone conference with Yale. | 260 | |
| 11 | Trip to Yale's office to get Smith Disclosures. | 50 | |
| 11 | Phone conference with Yale. | 20 | |
| 23 | Wait at U.S. Attorney's Office for deposition by TV. Didn't happen. | | |
| 24 | Phone conference with Yale and some research. | 110 | |
| 25 | Work on Instructions; research. | 300 | |
| 26 | Work on case on trial preparation as Court ordered. | 220 | |
| | | 3129.20 | |

| Date | Description | Hours | Yale Metzger Amount |
|-------|--|-------|---------------------|
| 2003 | | 2130 | 214.30 |
| Apr 1 | Research. | 930 | Contingent |
| 2 | Phone conference with Yale Metzger. | 20 | |
| 3 | Research. | 300 | |
| 4 | Research. | 520 | |
| 5 | Work on Brief with Yale Metzger. | 700 | |
| 6 | Work on Motion. | 150 | |
| 7 | motion practice; trip to Federal Clerk's office; | 550 | |
| 8 | U.S. Attorney and Yale Metzger. | 370 | |
| 9 | Work on Brief | | |
| 10 | Research at Law Library. | 950 | |
| 11 | Brief and exhibit work. | 420 | |
| 12 | 14 Work on Brief with Yale Metzger. | 150 | |
| 13 | 15 British Motion Response and files in Court. | 200 | |
| 14 | 11 Phone conference with Yale Metzger. | 100 | |
| 15 | 13 Office conference with Yale Metzger; | 140 | |
| 16 | review and analysis; phone conference | | |
| 17 | with Yale and U.S. Attorney. | | |
| 18 | 14 Work on Case. | 200 | |
| 19 | 15 Review and analysis of damage issues. | 500 | |
| 20 | 16 Research. | 500 | |
| 21 | 19 Two phone conferences with Yale Metzger; | 510 | |
| 22 | review and analysis. | | |
| 23 | 20 Research on damages. | 380 | |
| 24 | 22 Phone conference with Yale; draft and | 150 | |
| 25 | research on damage analysis. | | |
| 26 | 25 Work on case with Yale; research and second | 490 | |
| 27 | draft of damage summary; phone conference | | |
| 28 | with Yale, U.S. Attorney, Pomroy and me. | | |
| 29 | 29 Phone conference with Kenneth Boosa, Esq. | 40 | |
| 30 | Apr 4 Research. | 270 | |
| 31 | 5 Research damages. | 440 | |
| 32 | 16 Review and analysis. | 220 | |
| 33 | 23 Research. | 100 | |
| 34 | Oct 3 Work on case. | 260 | |
| 35 | 7 Phone conference with Yale Metzger. | 30 | |
| 36 | 27 Office conference with Yale Metzger at Yale's | 40 | |
| 37 | office. | | |
| 38 | Nov 12 Phone conference with Yale Metzger. | 30 | |
| 39 | 13 Brief expert on psych injury evaluation; | 220 | |
| 40 | phone conference with Dr. Chlota; phone con- | | |
| | ference with Yale. | | |
| | | 30110 | |

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| Date | Description | Hours | Yale Metzger Comment |
|-------|---|-------|-------------------------|
| 2003 | | 139.8 | 30th Sept |
| Jan 8 | Phone conference with Yale Metzger. | 20 | |
| 10 | Phone conference with Yale Metzger. | 30 | |
| 14 | Work on case with Yale Metzger. | 530 | |
| 15 | Research. | 280 | |
| 16 | Work on case; research; phone conference with Yale Metzger. | 360 | |
| 21 | Work on case. | 160 | |
| 21 | Research on Livers attorney for award | 40 | |
| 23 | Research. | 330 | |
| 27 | Work with Yale Metzger, Esq. | 270 | |
| 29 | Review and analysis of cases; research. | 200 | |
| 31 | Phone conference with Yale Metzger. | 60 | |
| Feb 3 | Work on motions with Yale; revised and analysis of third draft. | 500 | |
| 4 | Work on summary judgment draft; phone conference with Yale Metzger. | 240 | |
| 10 | Phone call from Yale Metzger. | 20 | |
| 11 | Work on final Motion with Yale Metzger. | 500 | |
| 12 | Work on final with Yale; fill and serve motions. | 300 | |
| 13 | Review and analysis. | 190 | |
| 18 | Work on case. | 60 | |
| 25 | Phone conference with Yale Metzger. | 30 | |
| Mar 3 | Office conference with Yale Metzger. | 20 | |
| 4 | Ship to U.S. Attorney's office. | 60 | |
| 12 | Conference and preparation with Yale Metzger for depositions. | 250 | |
| 17 | Phone conference with Yale Metzger. | 20 | |
| 20 | Phone conference with Yale Metzger. | 40 | |
| 31 | Review for preparation for depositions on Monday. | 280 | |
| 24 | Depositions. | 700 | |
| 25 | Attend depositions; start review of Opposition to Motion for S.J. & Cross Motion for S.J. | 630 | |
| 26 | Review and analysis of Cross Motion; research and first draft of Motion to Show Cause. | 300 | |
| 27 | Phone conference with Yale Metzger; research. | 320 | |
| 28 | Research. | 260 | |
| 31 | Work on research; phone conference with Yale Metzger. | 400 | |
| | | 21430 | |

Mr. Milton J. Jakubasz / U.S. Army AGI-333 CV (JKS)

| | | |
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| Prepared By | Initials | Date |
| Approved By | | |

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| Date | Description | Hours | Fel. Dist. per Amount Intingent |
|--------|---|---------|---------------------------------|
| 8/2/02 | | | |
| Oct 6 | Conference on case with Yale Metzger. | 3.00 | |
| 30 | Research Bivens tortious; research on out-pagous conduct, emotional distress and tortious interference with civil rights. | 3.00 | |
| 31 | Research. | | |
| Nov 1 | Research. | 4.10 | |
| 4 | Review and analysis. | 4.40 | |
| 5 | Review and analysis; research. | 6.00 | |
| 6 | Work on case. | 5.00 | |
| 7 | Work on case. | 4.40 | |
| 8 | Work on case. | 4.30 | |
| 12 | Research for Summary Judgment Motion. | 4.00 | |
| 13 | Work on Summary Judgment and Amendment to Pleadings. | 3.50 | |
| 14 | Work on case. | 5.00 | |
| 15 | Work on Summary Judgment. | 5.30 | |
| 18 | Work on Summary Judgment. | 6.00 | |
| 19 | Work on Summary Judgment and research. | 6.00 | |
| 20 | Work on Summary Judgment motion. | 5.70 | |
| 21 | Work on Summary Judgment. | 6.00 | |
| 22 | Work on Summary Judgment. | 4.00 | |
| 25 | Work on Summary Judgment. | 5.50 | |
| 26 | Work on Summary Judgment. | 5.00 | |
| 27 | Work on case. | 4.00 | |
| Dec 2 | Third draft and research on Kelly vs U.S. | 1.10 | |
| 4 | Errors; work on case. | 2.50 | |
| 5 | Work on case. | 3.00 | |
| 9 | Final draft. | 5.30 | |
| 10 | Work on case; conference with Yale Metzger, Esq. | 4.70 | |
| 11 | Work on draft. | 2.20 | |
| 12 | Research. | 3.30 | |
| 13 | Research. | 2.00 | |
| 16 | Work on case. | 1.10 | |
| 17 | Work on brief. | 3.00 | |
| 18 | Work on motion. | 5.70 | |
| 19 | Final draft, research. | 2.40 | |
| 20 | Work on case. | 1.30 | |
| 27 | Research. | 2.10 | |
| 31 | Phone conference with Yale Metzger, Esq. | .90 | |
| | | 1,39.80 | |